

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	<b>Andrew J. Edwards et al.</b>	<b>Examiner:</b>	<b>Thomas H. Stevens</b>
<b>Application No.:</b>	<b>10/001,280</b>	<b>Group Art Unit:</b>	<b>2123</b>
<b>Filed:</b>	<b>November 1, 2001</b>	<b>Docket No.:</b>	<b>50037.57US01</b>
<b>Title:</b>	<b>APPLICATION PROGRAM INTERFACE FOR DYNAMIC INSTRUMENTATION OF A HETEROGENEOUS PROGRAM IN A DISTRIBUTED ENVIRONMENT</b>		

---

**DECLARATION UNDER 37 C.F.R. § 1.131 - 1.132**

**WE, ANDREW J. EDWARDS and CARLOS P. GOMES, citizens of the United States of America and residents of the state of Washington, declare:**

**1. We are the sole co-inventors of the subject matter claimed in the instant application (U.S. Application No. 10/001,280), filed November 1, 2001, and entitled "APPLICATION PROGRAM INTERFACE FOR DYNAMIC INSTRUMENTATION OF A HETEROGENEOUS PROGRAM IN A DISTRIBUTED ENVIRONMENT."**

**2. We understand that the paper entitled "Vulcan-Binary Transformation in a Distributed Environment" ("Vulcan") has been asserted as a reference against the subject matter claimed in the instant application.**

**3. The Vulcan paper was published April 20, 2001, and was thus published less than one year prior to the filing date of the instant application.**

**4. The listed authors on the Vulcan paper are Amitabh Srivastava, Andrew Edwards and Hoi Vo.**

**5. As to the portions of the Vulcan paper that correlate to the subject matter claimed in the instant application, we are the sole inventors of the claimed subject matter and**


Amitabh Srivastava and Hoi Vo were merely working under our direction with regards to the portions of the Vulcan paper that relate to the claimed subject matter.


6. We were in possession of the invention claimed in the instant application at and before the time of the publication of the Vulcan paper.

7. We, the undersigned inventors, declare that all statements herein made of our own knowledge are true and that all statements are made on information and belief and are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

1/20/06  
Date

1/20/06  
Date

  
ANDREW J. EDWARDS  
3665 169<sup>th</sup> Ave. NE  
BELLEVUE, WA 98008

  
CARLOS P. GOMES  
7014 150<sup>TH</sup> AVE. N.E.  
REDMOND, WA 98052